



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Adrian Supply Co.-Reconsideration

**File:** B-258769.2

**Date:** June 6, 1995

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### DECISION

Adrian Supply Co. requests reconsideration of our decision, Adrian Supply Co., B-258769, Feb. 14, 1995, 95-1 CPD ¶ 84, in which we denied its protest of the Department of the Interior, Bureau of Indian Affairs's (BIA) issuance of invitation for bids (IFB) No. SB-94-0060 as a total set-aside for Indian economic concerns.

Adrian Supply alleges that the decision is based on "invention of facts not in evidence" and is "riddled with . . . flaws." These alleged factual flaws provide no basis for reconsideration.

For example, Adrian quotes the following sentences from our decision:

"Sometime after bid opening, Shawnee advised the agency that it qualified as an Indian economic enterprise."

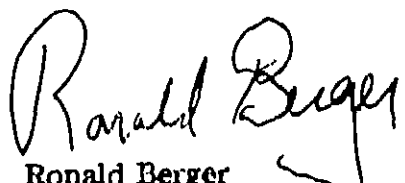
"Instead, the record indicates that once it became apparent that IFB -0002 would likely be canceled, BIA investigated the possibility of a set-aside in view of Shawnee's statement that it qualified as an Indian economic enterprise."

Adrian states that "[n]either the agency nor Shawnee has ever contended or submitted any evidence" that Shawnee advised the agency that it was so qualified.

The contracting officer reported, however, that BIA, during the course of the original procurement, "discovered in the bids received in response to IFB [-0002] that an Indian economic enterprise, Shawnee Electric, could fill the Government's requirement." (See Contracting Officers Statement, page 1, item 6.) The agency further stated, in supplemental comments to our Office, that "it was discovered that an Indian company, Shawnee Electric, was a good candidate to possibly fulfill the Government's requirements," and that a subsequent site visit verified Shawnee's eligibility under the Buy Indian Act. Given that the agency satisfied itself, at least in part through direct contact with Shawnee, that Shawnee was an Indian economic enterprise, we fail to see the materiality of the alleged factual misstatements in our decision.

Adrian also expresses disagreement with certain other statements in our decision and with our conclusion that BIA reasonably found Shawnee to be a regular dealer under the Walsh-Healey Act, 41 U.S.C. § 35 (1988). Mere disagreement, however, does not provide a basis for reconsideration. R.E. Scherrer, Inc.-Recon., B-231101.3, Sept. 21, 1988, 88-2 CPD ¶ 274.

The request for reconsideration is denied.

  
Ronald Berger  
Associate General Counsel